

REFERENCE TITLE: fire districts; emergency service fees

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2571

Introduced by
Representative Pratt

AN ACT

AMENDING TITLE 48, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 48-805.01; RELATING TO FIRE DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 48, chapter 5, article 1, Arizona Revised Statutes,
3 is amended by adding section 48-805.01, to read:

4 48-805.01. User fees; lien enforcement; definition

5 A. A FIRE DISTRICT MAY FILE A LIEN ON PROPERTY FOR THE NONPAYMENT OF
6 EMERGENCY SERVICE USER FEES THAT WERE PROVIDED TO PROPERTY OR PERSONS IF THE
7 PAYMENT OF THE FEES IS DELINQUENT FOR MORE THAN NINETY DAYS.

8 B. BEFORE FILING THE LIEN, THE FIRE DISTRICT SHALL PROVIDE WRITTEN
9 NOTICE TO THE OWNER OF THE PROPERTY. THE NOTICE SHALL BE GIVEN AT LEAST
10 THIRTY DAYS BEFORE FILING THE LIEN AND SHALL INCLUDE AN OPPORTUNITY FOR A
11 HEARING WITH A DESIGNATED FIRE DISTRICT OFFICIAL. THE NOTICE SHALL BE
12 PERSONALLY SERVED ON THE PROPERTY OWNER OR MAILED BY CERTIFIED MAIL TO THE
13 PROPERTY OWNER'S LAST KNOWN ADDRESS OR TO THE ADDRESS TO WHICH THE PROPERTY
14 TAX ASSESSMENT WAS LAST MAILED. IF THE OWNER DOES NOT RESIDE ON THE
15 PROPERTY, THE NOTICE SHALL BE MAILED TO THE PROPERTY OWNER'S LAST KNOWN
16 ADDRESS.

17 C. THE UNPAID EMERGENCY SERVICE USER FEES ARE A LIEN ON THE PROPERTY
18 FROM THE DATE OF RECORDING THE LIEN IN THE OFFICE OF THE COUNTY RECORDER IN
19 THE COUNTY IN WHICH THE PROPERTY IS LOCATED UNTIL THE FEES ARE PAID. THE
20 LIEN IS SUBJECT AND INFERIOR TO THE LIEN FOR GENERAL TAXES AND TO ALL PRIOR
21 RECORDED MORTGAGES AND ENCUMBRANCES OF RECORD. A SALE OF THE PROPERTY TO
22 SATISFY A LIEN OBTAINED UNDER THIS SECTION SHALL BE MADE ON JUDGMENT OF
23 FORECLOSURE AND ORDER OF SALE. A FIRE DISTRICT MAY BRING AN ACTION TO
24 ENFORCE THE LIEN IN THE SUPERIOR COURT IN THE COUNTY IN WHICH THE PROPERTY IS
25 LOCATED AT ANY TIME AFTER THE RECORDING, BUT FAILURE TO ENFORCE THE LIEN BY
26 THIS ACTION DOES NOT AFFECT ITS VALIDITY. THE RECORDED UNPAID EMERGENCY
27 SERVICE USER FEES ARE PRIMA FACIE EVIDENCE OF THE TRUTH OF ALL MATTERS
28 RECITED IN THE RECORDING AND OF THE REGULARITY OF ALL PROCEEDINGS BEFORE THE
29 RECORDING.

30 D. UNPAID EMERGENCY SERVICE USER FEES ACCRUE INTEREST AT THE RATE
31 PRESCRIBED BY SECTION 44-1201.

32 E. A PRIOR ASSESSMENT OF UNPAID EMERGENCY SERVICE USER FEES PURSUANT
33 TO THIS SECTION DOES NOT BAR A SUBSEQUENT ASSESSMENT PURSUANT TO THIS
34 SECTION, AND ANY NUMBER OF LIENS ON THE SAME LOT OR TRACT OF LAND MAY BE
35 ENFORCED IN THE SAME ACTION.

36 F. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO RESIDENTIAL PROPERTY
37 OCCUPIED BY A LESSEE IF THE LESSEE IS RESPONSIBLE FOR PAYMENT OF THE
38 EMERGENCY SERVICE USER FEES. THE FIRE DISTRICT SHALL DETERMINE THE STATUS OF
39 LEASED RESIDENTIAL PROPERTY BEFORE RECORDING THE LIEN.

40 G. FOR THE PURPOSES OF THIS SECTION, "EMERGENCY SERVICE USER FEES"
41 MEANS FEES CHARGED FOR THE PROVISION OF FIRE AND EMERGENCY MEDICAL SERVICES
42 PURSUANT TO A FEE SCHEDULE ESTABLISHED PURSUANT TO SECTIONS 48-805 AND
43 48-814.